

**UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,  
Debtors.<sup>1</sup>

PROMESA  
Title III

No. 17 BK 3283-LTS

(Jointly Administered)

**URGENT MOTION OF AMBAC ASSURANCE CORPORATION FOR LEAVE TO  
EXCEED PAGE LIMIT WITH RESPECT TO ITS OBJECTION TO THE DISCLOSURE  
STATEMENT FOR THE THIRD AMENDED TITLE III JOINT PLAN OF  
ADJUSTMENT OF THE COMMONWEALTH OF PUERTO RICO, *ET AL.***

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<sup>1</sup> The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801).

To the Honorable United States District Judge Laura Taylor Swain:

Ambac Assurance Corporation (“Ambac”) respectfully submits this urgent motion (the “Urgent Motion”) requesting permission to exceed the 35-page limit set forth in paragraph I.E of the *Fourteenth Amended Notice, Case Management and Administrative Procedures* (ECF No. 15894-1) (the “Case Management Order”) for its forthcoming objection (the “Objection”) to the Financial Oversight and Management Board for Puerto Rico’s (the “Board”) *Disclosure Statement for the Third Amended Title III Joint Plan of Adjustment of the Commonwealth of Puerto Rico, et al.* (ECF No. 16741) (the “Disclosure Statement”) in the above-captioned proceeding. Ambac respectfully requests entry of an order, substantially in the form attached hereto as **Exhibit A** (the “Proposed Order”), extending the page limit for the Objection to a maximum total of **ninety-five (95) pages**, exclusive of the cover page, table of contents, table of authorities, signature pages, exhibits, and relevant certificates.

### **JURISDICTION AND VENUE**

1. The Court has jurisdiction over this matter under 28 U.S.C. § 1331 and PROMESA § 306(a), 48 U.S.C. § 2166(a). Venue is proper under 28 U.S.C. § 1391(b) and PROMESA § 307(a), 48 U.S.C. § 2167(a).

### **BASIS FOR RELIEF REQUESTED**

2. On May 11, 2021, the Board filed the Disclosure Statement (ECF No. 16741).

3. The deadline by which parties must file objections to the Disclosure Statement is June 15, 2021.

4. Ambac respectfully submits that an extension of the page limit for its Objection to no more than ninety-five (95) pages is appropriate. The Disclosure Statement to which Ambac will be objecting is over 550 pages. That does not even include its 14 attached exhibits, which comprise

another 1,675 pages. In addition, the Plan itself—certain portions of which will be addressed in the Objection—comprises 234 pages (including exhibits thereto). Ambac needs additional pages to adequately address the various issues raised in the voluminous Disclosure Statement and Plan (and exhibits thereto).

5. Moreover, the issues that Ambac intends to address in its Objection are numerous and complex. For example, Ambac intends to address the Plan's classification of claims in violation of *Granada Wines, Inc. v. New England Teamsters & Trucking Industry Pension Fund*, 748 F.2d 42 (1st Cir. 1984), which the Court held would be an appropriate subject for the disclosure statement hearing. (*See Tr. of April 28, 2021 Omnibus Hr'g* (ECF No. 16662), at 145:13-23, 148:17-20.) The UCC's prior briefing on this issue alone in connection with its Rule 3013 classification motion comprised dozens of pages.<sup>2</sup> In addition, the Objection will address several other issues relating to the patent unconfirmability of the Plan, the solicitation of votes for the Plan, and the inadequacy of the disclosures in the Disclosure Statement, while including proposed additional disclosures for the Disclosure Statement. Given the tremendous significance of these issues to Ambac and all creditors, Ambac respectfully submits that additional pages are needed to adequately address these issues.

6. The Court has previously granted leave to parties in these proceedings (including Ambac and the Board) to file briefs of similar length on similarly significant and complex matters, and Ambac submits that up to ninety-five (95) pages is appropriate for the Objection. (*See, e.g., Order* (Adv. Proc. No. 20-003-LTS, ECF No. 40) (granting the Board's request to extend 35-page

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<sup>2</sup> (*See Motion of Official Committee of Unsecured Creditors Pursuant to Federal Rule of Bankruptcy Procedure 3013 for Entry of an Order Reclassifying Class 39A and Class 41 Claims Under Oversight Board's Plan of Adjustment Dated February 28, 2020* (ECF No. 11989); *Reply in Support of Motion of Official Committee of Unsecured Creditors Pursuant to Federal Rule of Bankruptcy Procedure 3013 for Entry of an Order Reclassifying Class 39A and Class 41 Claims Under Oversight Board's Plan of Adjustment Dated February 28, 2020* (ECF No. 12872).)

limit to 80 pages for partial summary judgment motions); *Order (i) Granting Urgent Motions for Leave to Exceed Page Limits with Respect to Responses to Motions for Partial Summary Judgment and (ii) Adjourning Briefing Deadlines and Hearing Date* (Adv. Proc. No. 20-003-LTS, ECF No. 77) (granting monolines' request to extend 35-page limit to 125 pages for oppositions to partial summary judgment motions).)

7. Movants have conferred with counsel to the Board, who have indicated that the Board does not consent to the relief sought herein, and that the Board would consent only if Ambac limited the legal argument in its Objection to 50 pages (while indicating that the Board did seek to impose any page limit for additional disclosures that Ambac would propose adding to the Disclosure Statement in its Objection).

### **CONCLUSION**

WHEREFORE, Ambac respectfully requests that the Court enter an order substantially in the form attached hereto as Exhibit A, granting the relief requested herein and granting Ambac such other relief as the Court deems just and proper.

**Certificate of Compliance with  
the Fourteenth Amended Case Management Procedures**

Pursuant to Section ¶ 1.H. of the Fourteenth Amended Notice, Case Management, and Administrative Procedures, the undersigned counsel hereby certify that they have: (a) carefully examined the matter and concluded that there is a true need for an urgent decision; (b) not created the urgency through any lack of due diligence; and (c) made reasonable, good-faith communications in an effort to resolve or narrow the issues before the Court.

Dated: June 10, 2021  
San Juan, Puerto Rico

**FERRAIUOLI LLC**

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**CERTIFICATE OF SERVICE**

I hereby certify that on this same date a true and exact copy of this notice was filed with the Clerk of Court using the CM/ECF system, which will notify a copy to counsel of record.

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